

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Rick Shawn,

Petitioner

v.

Jeromy Bean, et al.,

Respondents

Case No.: 2:22-cv-02157-APG-DJA

**Order Denying Motion for Reconsideration
and Denying Motion for Clarification**

[ECF Nos. 7, 8]

On January 19, 2023, I dismissed Rick Shawn's *pro se* petition for writ of habeas corpus, pursuant to 28 U.S.C. § 2254, and judgment was entered. ECF Nos. 4, 6. Shawn now moves for reconsideration, and I deny the motion for lack of jurisdiction.

I dismissed the petition as second and successive to the federal petition that was dismissed in February 2018 challenging the same judgment of conviction. *See* 2:14-cv-00738-JAD-PAL. Shawn was required to obtain authorization from the United States Court of Appeals for the Ninth Circuit before he could file another petition in this court. 28 U.S.C. § 2244(b)(3). He did not indicate that he received such authorization. In his motion for reconsideration, he argues the merits of his challenge to his conviction and sentence. But as I explained previously, I lack jurisdiction to consider the new petition without the court of appeals giving Shawn leave to file another petition in this court. *See Burton v. Stewart*, 549 U.S. 147 at 152 (9th Cir. 2007). Shawn also filed what he styled a motion for clarification. ECF No. 8. It is unclear what he seeks in that motion, but in any event it is moot in light of the denial of reconsideration.

1 I THEREFORE ORDER that petitioner's motion for reconsideration [ECF No. 7] is
2 **DENIED.**

3 I FURTHER ORDER that petitioner's motion for clarification [ECF No. 8] is **DENIED.**

4 I FURTHER ORDER that a certificate of appealability is denied.

5 DATED this 15th day of May, 2023.

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8 ANDREW P. GORDON
UNITED STATES DISTRICT JUDGE
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